

810-3-61-.06 Notice of Nonpublic School to the Department of its Intention to Participate in the Scholarship Program.

(1) Scope. Act 2013-64, as amended by Acts 2013-265 and 2015-434, imposes eligibility requirements on nonfailing public schools and nonpublic schools wishing to receive scholarship grants for eligible students. Further it limits eligibility for the parent tax credit pursuant to Section 8 of the Act to nonfailing public schools outside the resident school district and to nonpublic schools notifying the Department of their intention to participate in the scholarship program. This rule prescribes the procedure for a nonpublic school to apply for participation in the scholarship program.

(2) The Department will create a web-based portal where nonpublic schools wishing to participate in the scholarship program may register their intent with the department. Registration is not required of nonfailing public schools desiring to participate in the program. The Department presumes that any school that registers to participate in the scholarship program is exhibiting "good faith" intent to accept scholarship students. Any misrepresentation, omission of facts, or fraud in securing scholarship funding will suspend the school from receiving any further scholarship funds.

(3) A nonpublic school registering with the department must indicate that it is willing to abide by all statutory and regulatory requirements of the program, and that it is willing to file and furnish all forms and information required by the SGO and the Department including financial and academic information, as well as all other required information. Academic information reporting requirements pertaining to the statutory requirements referenced above are limited to those students attending the nonpublic school who are receiving educational scholarships under the Alabama Accountability Act. Failing to administer required tests, provide required tests results or other intentional and substantial failure to comply with the requirements of the program will bar the qualifying school from participation in the program. Any qualifying school barred from participating in the Tax Credit Scholarship Program for non-compliance may be reinstated upon correcting any reporting deficiencies or required certifications and providing a statement as to how the problems occurred and have been resolved. Once received the Department will make a determination as to reinstating any school which has been disqualified from the program.

(4) A nonpublic school registering with the department must furnish the name of the accrediting agency by which it is accredited.

(5) If the nonpublic school is not accredited by one of the allowed accrediting agencies, then it must provide the following:

(a) Years in existence (which must be at least three years).

(b) The address of the school's web site that describes the school, its

instructional programs, and the mandatory tuition and fees charged by the school (which must be updated prior to the beginning of each semester).

- (c) Average daily attendance for each of the last two years.
 - (d) Number of days in the school year (which must be at least 180 days or the hourly equivalent of 180 days).
 - (e) Length of the school day (minimum of six and one-half hours).
 - (f) The number of credits required of students in grades 9-12 before graduation (minimum of 24).
 - (g) The number of such credits required in core subjects (minimum of 16).
 - (h) A statement as to whether the school requires the Stanford Achievement Test, or its equivalent of all students.
 - (i) A statement as to whether the school requires all candidates for graduation to take the American College Test.
 - (j) A statement as to whether the school allows special education students to follow an individual plan of instruction that is different from regular education students.
- (6) If the nonpublic school is not accredited by one of the allowed accrediting agencies and has not been in existence for at least three years, the school shall still qualify to participate in the scholarship program if all the requirements of paragraphs (b) through (j) above are satisfied in addition to the nonpublic school operating under the governance of the board of directors equivalent thereof of an accredited nonpublic school. Governance shall include curriculum oversight, personnel and facility management, and financial management.
- (7) If, at the end of the three year governance period the nonpublic school has still not obtained accreditation status, the nonpublic school shall no longer be considered a qualifying school and shall not be eligible to receive any scholarship funds from any SGO until such a time as the nonpublic school obtains proper accreditation as required by this Act.
- (8) The Department will create a web-based listing of the participating nonpublic schools, and the SGO must ensure that a nonpublic school is listed before a scholarship award is paid to the nonpublic school for an eligible student.
- (9) The Department will create a web-based listing of the accredited nonpublic schools registered for participation in the scholarship program. Parents of public school students transferring the students to these schools may be eligible for the parent tax credit pursuant to Section 8 of the Act.

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Authority: Sections 40-2A-7(a)(5) and 16-6D-1, Code of Alabama 1975
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